COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: September 20, 1991
FILE NO: 091-36816-1399-055
IAB File #S91-0760

OFFICE CORRESPONDENCE

FROM: DRAKE A. ROBLES, LIEUTENANT
LOMITA STATION

TO: DUANE T. PREIMSBERGER, CHIEF
FIELD OPERATIONS REGION II

SUBJECT: EVALUATION OF SHOOTING INCIDENT INVOLVING OFF-DUTY DEPUTY SERGEANT BRUCE J. JACQUEZ, #[redacted], LOMITA STATION, FOR II.

DATE OF OCCURRENCE: AUGUST 15, 1991, AT 1800 HOURS.

LOCATIONS OF OCCURRENCE: [redacted] EAST 23RD STREET, LONG BEACH.

SUMMARY OF INCIDENT

On August 15, 1991 at approximately 1800 hours, off-duty Sergeant Bruce Jacquez #[redacted] was in his home when he heard the sounds of sirens and heard his neighbors' dogs barking. He was advised, by his [redacted] that a male black was running across his adjacent neighbor's yard. Sergeant Jacquez, accompanied by his [redacted] ran out of the house and began to chase the suspect. Sergeant Jacquez entered his van and began looking for the suspect. Neighbors pointed toward the suspect's last seen location, however Jacquez could not see him. As they drove around the block, [redacted] (Jacquez' [redacted] pointed out the suspect walking mid-block, a few hundred feet away. He drove alongside the suspect and ordered him to stop, but the suspect began running and cut through a yard, out of sight. Both Jacquez and his [redacted] exited the van and tried to see which direction the suspect ran. Sergeant Jacquez re-entered the van and began driving around the neighborhood. His [redacted] remained on foot, a short distance away. Jacquez sighted the suspect within a block of where he had last been seen and began following him. Sergeant Jacquez could still hear the sirens and realized that a helicopter was overhead in the vicinity. The suspect attempted to hide behind a Target Store parking lot retaining wall, but as Jacquez entered the lot, the suspect jumped the wall, crossed the street and entered residential yards by jumping fences. Sergeant Jacquez followed, keeping a distance of approximately one house. As he entered the second yard, Jacquez no longer saw the suspect. He stopped, looked around the corner of the house at [redacted] E. 23rd Street and saw the suspect squatting in the driveway, apparently out of breath. The suspect then sat against the wall, legs slightly extended.

SUMMARY OF INCIDENT (CONTINUED)

Sergeant Jacquez pointed his weapon at the suspect, identified himself as a deputy sheriff and ordered the suspect to lie face down in the driveway. The suspect refused to comply with the order and began pulling at his socks. Because the suspect was in a seated position, his hands were partially obscured by his legs. Sergeant Jacquez ordered the suspect to move his hands away from his ankle area. The suspect moved his hands upward (towards his waist) and placed his left hand in his front left pants pocket. Sergeant Jacquez first ordered the suspect to remove his hand from his pocket, then ordered the suspect to freeze. The suspect continued slowly pulling his hand from his pocket, as he remained seated and slightly bent forward. Believing that the suspect was producing a weapon, Jacquez fire one round from his weapon, striking the stucco wall directly behind the suspect. The round shattered causing fragments and particles of stucco to strike and penetrate the suspect's right upper back.

Long Beach Police Officer [redacted] arrived on scene a few moments later and took the suspect into custody. The suspect was transported to Long Beach Memorial Hospital for medical treatment.

BIOGRAPHY

JACQUEZ, BRUCE J., SERGEANT, #[redacted]

DOB: [redacted]

ASSIGNMENT HISTORY:

08-01-90 TO PRESENT LOMITA STATION (SERGEANT)

[redacted]

CURRENT TRAINING



[redacted]

WEAPON CARRIED/USED

SMITH & WESSON MODEL 469, 9MM WITH DEPARTMENT ISSUED 9MM JACKETED HOLLOW POINTS (PERSONAL WEAPON)

PRIOR SHOOTINGS: [redacted]

TACTICS

Based on information at hand, the tactics used by Sergeant Jacquez were initially defensive until he fired at the suspect. Off-duty police incidents requiring action are discouraged, although not prohibited. As in most off-duty incidents, dialing 9-1-1 is still the more prudent course. Life-threatening situations may require intervention, but they are also subject to danger and liabilities caused when intervention endangers not only the deputy, but innocent bystanders.

This incident was the end of a major robbery/attempt murder pursuit by detectives, originating in the city of Stanton; however, the circumstances and facts of that pursuit were unknown to Sergeant Jacquez. Sergeant Jacquez had been home approximately three hours and had his [redacted], (a US Marine), visiting for the weekend. At approximately 1800 hours, Jacquez heard sirens in the vicinity of his house and then heard neighbors' dogs barking wildly. Jacquez was told by his [redacted] that a male black was running across the rear yard next door. Coupled with the sirens and dogs barking, Sergeant Jacquez believed that the male black was attempting to evade or escape from the police. Jacquez grabbed his "fanny-pack" (containing his weapon, I.D. and wallet), and he and his [redacted] ran out the front of the house but could not see the suspect. He noticed that neighbors standing on his street were pointing in a northerly direction. They jumped into Jacquez' van and began driving around the block. [redacted] spotted the male walking mid-block, several hundred feet away. Jacquez drove to and alongside the suspect and ordered him to stop and wait for the police. The suspect began running and cut through a yard, out of sight. They stopped, exited and Jacquez walked to the side of the house to see if he could tell which way the suspect was running. Jacquez re-entered his van and drove to the next block south, while his [redacted] remained on foot. Jacquez also asked neighbors on the street to call 9-1-1.

Jacquez stated that he was not attempting to catch or chase the suspect, rather, he intended to keep the suspect in sight so that when he saw a police car he could advise of the suspect's location. He still could hear the sirens and helicopter and felt that a radio car would soon be there. He hadn't planned on separating from his [redacted] but as he drove off, [redacted] did not try to get back into the van. At 23rd Street and Marwick, Jacquez saw the suspect across 23rd Street in the Target Store parking lot. The suspect, apparently seeing Jacquez, appeared to have ducked down and tried to hide behind a retaining wall. Sergeant Jacquez drove into the lot, and headed toward the suspect. The suspect jumped the wall of the parking lot, which was raised above the sidewalk approximately 2', ran across Marwick Avenue

and jumped a fence into the backyard of [redacted]. Jacquez grabbed his pistol, jumped out of the van and ran to the fence line. As Jacquez looked over the fence, he saw the suspect jump the next fence into [redacted] 23rd Street, still running in a westerly direction. Jacquez opened the gate, entered the rear yard of [redacted] and moved to the property line of [redacted]. He did not see the suspect. He climbed that fence and slowly walked west to the eastern property line of [redacted] 23rd Street, but as he reached the east driveway of that property, he was surprised to find the suspect approximately 20' north in the driveway, squatting, apparently out of breath.

The planned buffer of 40' to 50' was immediately reduced to less than half and Jacquez felt that he had to now take offensive action. As he approached the suspect, the suspect sat down, extended his legs, bent forward and began tugging at his socks. Jacquez again identified himself as a deputy sheriff and ordered the suspect to move his hands away from his ankle area, but the suspect refused. As he ordered him to comply, the suspect began to move his hands upward towards his waist area and, with his left hand, reached into his left front pants pocket. Jacquez initially ordered the suspect to remove his hand, then ordered him to freeze. The suspect continued to pull his hand out slowly, looked at Jacquez one time, put his head back down then pulled his hand out quickly. Jacquez fired one round at the suspect, which missed him directly but hit the stucco wall behind him causing fragmented pieces of the round and particles of stucco to strike and penetrate the suspect's right rear back. The suspect immediately lay face down. Jacquez stepped forward and placed his foot on the suspect's left wrist. The suspect pulled his hand away and released a piece of jewelry, apparently stolen in an earlier crime.

Did he have to take action? Probably not. However, very few police officers could let a stranger run through his or adjacent property without attempting to at least get involved to a point which satisfied their need to know. Sirens, dogs barking, helicopter overhead. All these things adding to his curiosity.

Should he have involved his [redacted]? [redacted] is a U.S. Marine, recently returned from the Persian Gulf. Although, that probably was not a conscious thought, Jacquez did take [redacted] along, so he could keep track of Jacquez. He contends that he never attempted to catch or overtake the suspect. He knew there were units in the immediate area and wanted to be able to direct units to the suspect. Jacquez never intended for he and [redacted] to separate. After getting out of the vehicle, [redacted] did not get back in when Jacquez drove to the end of the block. It wasn't until after the shooting that he noticed his [redacted] had come to the scene.

Another tactical consideration for any plainclothes (including off-duty) involvement is recognition. Jacquez was wearing shorts and a tank top. Although he initially took his fanny-pack containing his ID and weapon, when he jumped out of the van, he only had his off-duty weapon. The potential for his being stopped at gun point by responding officers, or being shot by responding officers or nervous homeowners was very real considering the nature of the crimes already committed by the suspect(s).

POLICY

Jacquez acted within existing policies. As with most situations, there were other options he could have chosen, rather than pursue (follow) and expose himself and loved one to possible injuries. The nature of their crimes had the potential for a more serious confrontation.

It appears that Sergeant Jacquez was not in compliance with Departmental policy regarding qualification and carrying of off-duty weapons. His Departmental records reflect [redacted]

CONCLUSIONS

Sergeant Jacquez acted in a competent manner. Although other options may have existed throughout the development of this incident, his actions were cautious, valid and within policy. As a result of this shooting, Jacquez was scheduled for and attended an "Off-duty Survival" course on September 3, 1991. The course covered many of the tactical considerations mentioned in this memo.

RECOMMENDATION

None.

I suggest that a review of off-duty requirements and recommendations for Departmental members be conducted. Carrying a weapon off duty is now optional. The old adage that "we are cops 24-hours a day" does not mean that we are armed cops 24-hours a day nor does it mean we have to take action in many cases. At the "Off-duty Survival" course (Laser Village 3), the only two deputies who had been involved in off-duty shootings were both from Lomita Station. Perhaps other deputies who have been involved could attend and share their experiences and the lessons learned (if any) with the other class members.

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

SHOTS FIRED REVIEW - <u>LOMITA</u> STATION

DATE: 08-15-91 FILE NO. : 091-36816-1399-055

IAB File # S91-0760

The information and opinions contained herein are based on information available to the writer(s) at the time this report was prepared.

DEPUTIES INVOLVED:

NAME: **JACQUEZ, BRUCE J. SGT** EMPLOYEE #: [redacted] D.O.B. [redacted]

ASSIGNMENT HISTORY (BEGINNING WITH CURRENT ASSIGNMENT):

08-01-90 to Present Lomita Station (Sergeant)
[redacted]

PRIOR SHOOTING INCIDENTS:

[redacted]

SUSPECTS INVOLVED:

NAME: **JOHNSON, DONALD** SEX: **M** RACE: **B** D.O.B. **01-03-69**

CRIMINAL HISTORY INFORMATION SUMMARY (ALSO ATTACHED PRINT-OUTS)

[redacted]

WITNESSES/OTHERS:

NAME: [redacted] (LONG BEACH POLICE) PHONE # ( )

ADDRESS:

NAME: [redacted] PHONE # [redacted]

ADDRESS: [redacted]

NAME: [redacted] PHONE # [redacted]

ADDRESS: [redacted]

SYNOPSIS:

I. SHOOTING POLICY

IN MY OPINION THE SHOOTING WAS WITHIN DEPARTMENTAL POLICY.

YES **X** NO COMMENTS:

The shooting appears to be within the established, written policy of this Department.

II. OTHER POLICY CONSIDERATIONS

IN MY OPINION OTHER DEPARTMENTAL POLICIES AND PROCEDURES WERE FOLLOWED.

YES NO **X** COMMENTS:

The IAB report idicates that Jacquez used his Smith and Wesson, Model 469 semi-automatic pistol. His last recorded range date is [redacted]. He may be in violation of 3-01/050.65 Shooting Requirements, which requires a current range qualification to carry an off-duty weapon.

POLICY, GENERAL

IN MY OPINION THIS MATTER REQUIRES POLICY REVIEW. YES **X** NO

COMMENTS:

A review of policy may be required to more clearly define members' roles in "off duty" situations. In light of the scrutiny generated for on-duty shootings, it seems off-duty shootings share equal or more concern on issues of involvement.

III. TRAINING
IN MY OPINION THIS INCIDENT REQUIRES FIELD OPS. TRAINING REVIEW. YES NO **X** COMMENTS:

IT IS MY OPINION THAT A DEPARTMENTAL SHOOTING REVIEW SHOULD BE DONE ON THIS INCIDENT. YES **X** NO COMMENTS:

TACTICS
THE TACTICS USED BY THE PERSONNEL IN THIS INCIDENT WERE APPROPRIATE FOR THE SITUATION. YES **X** NO COMMENTS:

However, there are several concerns which may have to be addressed. Is it tactically wise to expose friends and family to possible dangers? When do we disengage the pursuit? Carrying proper identification is vital when openly armed and out of uniform.

IV. EQUIPMENT
IN MY OPINION THIS INCIDENT REQUIRES EQUIPMENT REVIEW. YES NO **X** COMMENTS:

V. PERSONNEL
IN MY OPINION THIS INCIDENT REQUIRES PERSONNEL FOLLOW-UP. (i.e., DEP. PLACED ON DESK, OFF-DUTY, PYSCHOLOGICAL COUNSEL) YES **X** NO COMMENTS:

Sergeant Jacquez was sent to Pyschological Services, as required and worked an inside position (his normal assignment) for the required time.

VI. SUPERVISION

COMMENTS:

Off duty incident. N/A

VII. OTHER ISSUES

I believe that the IAB report offered nothing more than the crime reports offered. My understanding of the memorandum dated 6-14-91 entitled Administrative Review of Officer Involved Shootings, was that IAB's inquiry into officer-involved shootings is to "...prepare a preliminary report...in sufficient detail to allow for an evaluation in the areas of policy and procedural adherence, tactical considerations and training needs assessment." After speaking with IAB investigators, I learned that they do not talk to deputies involved nor do they list possible Departmental violations as done in Internal Investigations.

VIII. ACTION TAKEN

Sergeant Bruce Jacquez was [redacted]. Many of the issues addressed in this review were topics covered in the new class. Our intent is that lessons learned at that class become training issues at Lomita Station (i.e., briefing material, training days).

PREPARED BY: **Lieutenant Drake Robles, Lomita Station**

BRIEFING BY:

COMMANDER: ____________________ CAPTAIN: ____________________

LIEUTENANT: ____________________ SERGEANT: ____________________

DEPUTY: ____________________

SUBMITTED TO FILE:

____
DIVISION CHIEF
FIELD OPERATIONS REGION II